

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE:
MAUREEN L ADAIR
AKA MAUREEN ADAIR, MD
Debtor

§
§
§
§

CASE NO. 18-10554

CHAPTER 11

SELECT PORTFOLIO SERVICING, INC.'S WITNESS AND EXHIBIT LIST

**Hearing on Select Portfolio Servicing, Inc.'s Motion to Dismiss
and Debtor's Objection to SPS' Proof of Claim
January 17, 2019 at 10:30 a.m.**

Witness List:

1. Maureen L Adair, Debtor
2. Linda Holmes, CDM Case Manager, Select Portfolio Servicing, Inc.

Exhibit List:

See Attached

Ex #	Description	Offered	Objection	Admitted
1	Proof of Claim – Deutsche Bank NT/SPS filed on 8/27/2018 in BK #18-10554 (Claim No. 9-1)			
	Bankruptcy Adversary No. 06-1140 (Bankr. W.D. Tx)			
2	Docket Sheet, Adversary No. 06-1140			
3	Debtor's Original Complaint to Invalidate or Determine Extent of Home Equity Lien filed 3/28/2006 (Docket No. 1)			
4	Long Beach Mortgage/Washington Mutual Bank Proof of Claim, BK #05-19014 (Claim No. 2-1)			
5	Debtors' Objection to Claim of Long Beach Mortgage Loan Trust 2001-2, BK #05-19014 (Docket No. 19)			
6	Agreed Order Consolidating Objection to Claim with Adversary Proceeding entered 5/18/2006, BK #05-19014 (Docket No. 37)			
7	Defendants Original Answer to Debtor's Original Complaint to Invalidate or Determine Extent of Home Equity Lien filed 5/15/2006, Adversary No. 06-1140 (Docket No. 14)			
8	Corrected Affidavit of Maureen L. Adair filed 9/12/2006, Adversary No. 06-1140 (Docket No. 30)			
9	Order on Motion to Dismiss and for Summary Judgement entered 11/7/2006, Adversary No. 06-1140 (Docket No. 51)			
10	Order Granting Judgment in favor of Defendants entered 11/29/2006, Adversary No. 06-1140 (Docket No. 56)			
	District Court Civil Proceeding No. 1:15-cv-00395-SS (W.D. Tx.)			
11	Docket Sheet, District Court Civil Proceeding No. 1:15-cv-00395-SS (W.D. Tx.)			
12	Plaintiff's First Amended Complaint against Deutsche Bank National Trust Company filed 10/30/2015, Case 1:15-cv-00395-SS (Docket No. 10)			
13	Defendant's Answer to Plaintiffs' Amended Complaint, Case 1:15-cv-00395-SS (Docket No. 13)			
14	Order Granting Motion for Summary Judgment for Defendants entered 5/18/2016, Case 1:15-cv-00395-SS (Docket No. 21)			
15	Judgment in favor of Defendants entered on 5/18/2016, Case 1:15-cv-00395-SS (Docket No. 22)			

	BK Case #18-10554			
16	Proof of Claim filed by Deutsche Bank NT/SPS on 8/27/2018 (Claim No. 9-1)			
17	Debtor's "Objection to Proof of Claim [No. 9] Filed by Deutsche Bank National Trust Company as Trustee for Long Beach Mortgage Loan Trust 2001-2" filed on 9/21/2018 (Docket No. 45)			
18	SPS' Response to Debtor's Objection to Claim filed 10/22/2018 (Docket No. 50)			
19	SPS' Motion to Dismiss Bankruptcy Case With Prejudice to Refiling filed 12/21/2018 (Docket No. 57)			
20	Claims Register (WDTX BK #18-10554)			
21	Internal Revenue Service Proof of Claim (Claim No. 3-1)			
22	Schedules filed 5/29/2018 (Docket No. 11)			
23	Operating Report for August 2018 filed 9/25/2018 (Docket No. 47)			
	Documents			
24	Travis County Appraisal District Valuation of 2524 Spring Lane, Austin, TX for 2018 (\$1,310,354.00)			
25	Broker Price Opinion (with comparable sales and listings) of 2524 Spring Lane, Austin, TX as of 10/12/2018 (\$1,040,000.00)			
26	SPS Payoff good through 11/15/2018 (\$1,500,527.14 plus unposted fees, costs & advances)			
27	Payment History (prior mortgage servicer records incorporated into SPS records)			
28	Payment History (prior mortgage servicer records incorporated into SPS records)			
29	Payment History (SPS)			
30	Texas Home Equity Fixed/Adjustable Rate Note dated May 25, 2001			
31	Texas Home Equity Security Instrument - Instrument #2001089580 recorded on 06/05/2001			
32	Texas Home Equity Affidavit and Agreement - Instrument #2001089581 recorded on 06/05/2001			
33	Assignment of Deed of Trust - Instrument #2011156908 recorded 10/26/2011			
34	Notice of Servicing Transfer to Select Portfolio Servicing, Inc. effective May 1, 2013			
35	SPS Notice of Default to Borrowers dated 10/20/2013			
36	SPS Notice of Acceleration to Borrowers dated 9/26/2014			

37	SPS Reinstatement Notice to Borrowers dated 10/24/2016			
38	SPS Reinstatement Notice Borrowers dated 3/6/2017			
39	SPS Reinstatement Notice to Borrowers dated 6/9/2017			
40	SPS Reinstatement Notice to Borrowers dated 3/6/2018			

Respectfully submitted,

/s/ H. Gray Burks, IV

H. Gray Burks, IV

State Bar No. 03418320

SHAPIRO SCHWARTZ, LLP

13105 Northwest Freeway, Suite 1200

Houston, Texas 77040

Tel: 713-462-2565

Fax: 847-879-4856

Attorneys for Select Portfolio Servicing, Inc. as mortgage servicer for Deutsche Bank National Trust Company formerly known as Bankers Trust Company of California, N.A., as Trustee for Long Beach Mortgage Loan Trust 2001-2

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Witness and Exhibit List has been served on the parties listed below, at the addresses indicated via electronic delivery or by deposit in the United States Mail, first-class postage pre-paid on January 11, 2019.

U.S. Mail

Maureen L Adair
2524 Spring Lane
Austin, TX 78703
Debtor

U.S. Mail

John B. Hertenberger
2524 Spring Lane
Austin, TX 78703
Co-Debtor

ECF/CM

Stephen W. Sather
Barron & Newburger, P.C.
7320 N MoPac Expy
Suite 400
Austin, TX 78731
Attorney for Debtor

ECF/CM

US Trustee
Office of the US Trustee
903 San Jacinto Blvd, Suite 230
Austin, TX 78701
United States Trustee

/s/ H. Gray Burks, IV

H. Gray Burks, IV

Additionally, all exhibits are being sent by e-mail to: Stephen W. Sather at ssather@bn-lawyers.com.